IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 19011 of 2004

Between:

The Mahaboobabad Club, Mahaboobabad, Warangal District,
rep. by its Secretary, Y. Satti Reddy, S/o. Veera Reddy, age 40
Years, R/o. A.P.H.B. Colony, Mahaboobabad, Warangal District.

..... PETITIONER

AND

1. The Deputy Superintendent of Police, Mahaboobabad,
Warangal District.
2. The Station House Officer, Police Station Mahaboobabad,
Mahaboobabad Town, Warangal District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in conducting rides over the petitioner-club and preventing its members from playing indoor as well as out door games as illegal, arbitrary and consequently direct the respondents not to interfere with the legitimate activities of the petitioner club.

Counsel for the Petitioner: MR.J.VENKATESWARA REDDY
Counsel for the Respondents : GP FOR HOME

The Court made the following :

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the alleged action of the respondents in conducting raids over the petitioner-club and preventing its members from playing indoor as well as out door games as illegal, arbitrary and consequently direct the respondents not to interfere with the legitimate activities of the petitioner-club.

It is stated that the petitioner club has been conducting recreational activities for the purpose of its members, such as Shuttle, Ball Badminton, Volley Ball, Basket Ball, Table Tennis and other games which are called outdoor games. That apart, Caroms, Chess, Tam bola, Rummy and other indoor games are also being conducted. The allegation is that the respondents have been interfering with the recreational activities taken up by the petitioner club without there being any justifiable reason and they are not allowing the petitioner club from carrying on its legitimate activities. Hence, this writ petition.

Heard both the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

It is brought to my notice that a Division Bench of this Court has clarified the legal position with regard to game of Rummy in its judgment in W.A.No.1167 of 2002 dated 29.07.2002. The relevant portion may be extracted hereunder:

“The police authorities cannot obstruct the Writ Petitioner-Club from conducting card room where the members and guests of the Writ Petitioner’s cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police are always at liberty to enter the premises and check as to whether the cultural center of the Club is conducting card room where the members and guests of petitioner’s cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, police may enter the Club and verify the

same and proceed further if the members and guests of Writ Petitioner's cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered."

Following the above judgment of the Division Bench, the Writ Petition is disposed of in terms of the directions given in the judgment in W.A.No.1167 of 2002 dated 29.07.2002.

However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Association if they promote any illegal activity at the premises of the Petitioner-Association. So far as other games being conducted by the petitioner club are concerned, there shall be a direction to the respondents not to interfere with the said activities being carried out by the petitioner as long as the activities of the petitioner are in accordance with law. In case, activities being carried out by the petitioner are found to be in violation of the provisions of the A.P. Gaming Act or any other law which is in force in the State, the respondents are at liberty to proceed against the petitioner in accordance with law. No costs.

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14.10.2004

Vs

To

1. The Deputy Superintendent of Police, Mahaboobabad, Warangal District.
2. The Station House Officer, Police Station Mahaboobabad, Mahaboobabad Town, Warangal District.

3. 2CCs to GP for Home, High Court Buildings, Hyderabad.

4. 2CD copies.